

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: July 13, 2004

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager; Audience Members

Open Forum

There was no input from the Board or the audience.

Leonard Kay, 5 Concord Road, Request to Replace Stone Wall on Town Right of Way

Leonard Kay, 5 Concord Road, distributed documentation and photographs to the Board. Kay requested replacing a retaining wall on his property in the town right of way. Kay stated that he removed the existing wall, which had been in place for over forty years, and when he was ready to replace the wall the Highway Department told him that the wall might be in the right of way. Kay had a survey done and discovered that the wall was in the right of way. Kay wanted to put the wall back in the original location due to positioning of the driveway, potential damage to the driveway by snow plows and for aesthetics. Kay noted that there are at least six other walls in the right of way along Concord Road.

Barbara Barrett, 7 Concord Road, stated that the walls were built in the early 1960s. Barrett spoke in favor of Kay's proposal noting that the new wall will improve the property for the betterment of the neighborhood and the town.

Loiselle was concerned with the placement of walls, etc., in the right of way because that the Town may need to widen the road or install sidewalks. Loiselle stated that he was inclined to let Kay put the wall back in the original location with the understanding that the wall might have to be moved sometime in the future. Healy-Coffin felt that there was no reason to move the wall back 1 to 2 feet as it is already in existence.

Ledoux recommended having consistency throughout the Town and referenced recent Town Meeting actions where residents were given easements relative to town property in situations dealing with septic systems.

Romeo was concerned with setting a precedent and suggested that Kay seek an easement at the Fall Town Meeting. Silva agreed with Romeo regarding an easement and suggested a conditional acceptance with Kay taking the risk that Town Meeting may deny the easement.

Jefferies was not in favor of granting an easement where it might compromise the roadway. Jefferies noted that as long as the wall is considered temporary he had no problem with it. Jefferies also pointed out that there are several areas in Town with temporary structures on Town land, i.e., fences, mailboxes, etc. Jefferies suggested that the Board take no action and that Kay proceed at his own risk and if the Town says in the future that the wall has to come out, Kay must remove the wall. Kay agreed.

It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, that the Board take no action because this is a temporary replacement of a pre-existing condition.

Discussion of Playing Fields at Veteran's Memorial Park

Healy-Coffin stated that she asked for this agenda item due to the numerous calls and e-mails she has received regarding the condition of the playing fields. Healy-Coffin wanted to know what was going on with the fields, who is in charge of the fields, who is doing the maintenance, and who is going to schedule the fields. Healy-Coffin wanted to make sure that the situation that had taken place at the Blanchard Middle School was not going to be repeated at this site. Jefferies stated that the fields are currently in the control of the Permanent School Building Committee (PSBC).

Ken Morgan, 4 Dutchman Lane, PSBC, stated that they have not accepted any of the site work except for the wastewater treatment plant. Morgan stated that the fields are unacceptable at this time and the PSBC is in discussion with the consultants. Morgan stated that the PSBC can only turn over the fields to the School Department. Morgan stated that he did not know the status of the Integrated Pest Management Plan that was supposed to be developed, nor has the PSBC seen the plan. Morgan stated that they followed the advice of the Water Department's consultant for the fields. Morgan stated that the upper fields are in better shape than the lower fields and that re-seeding will be done

in the fall. The work will be done by the contractor with no additional costs to the Town. The Water Department has approved the use of a wood ash fertilizer. Morgan indicated that they should know by September if the fields are going to take.

George Murray, 14 Heywood Road, PSBC, stated that he attended a meeting last year with the Integrated Pest Management Committee at which time the Water Department did not agree to the use of any pesticides or fertilizers and recommended that only hand weeding be done.

Gus Bickford, 95 N. Main Street, Recreation Commission, stated that the lower fields will never be up to town standards. Bickford felt that the PSBC was not willing to talk about changes. Jefferies stated that while some individuals have an opinion regarding artificial turf, the PSBC has not taken an official position.

It was moved by Romeo, seconded by Loiselle, to table this discussion to the next meeting so that the PSBC, the Recreation Commission and Water Department could have a meeting. Healy-Coffin suggested that a Selectmen representative also be present to make sure that the fields are acceptable.

Fred Callahan, Chairman of the Recreation Commission, addressed the need for more playing fields. Callahan asked for a work schedule and if there was a way to monitor the fields. Jefferies asked that the Recreation Commission be provided with a copy of the PSBC minutes to keep them updated.

Loiselle asked to amend Romeo's motion to table the discussion to September 15, 2004. Romeo accepted Loiselle's amendment. **VOTE ON ROMEO'S MOTION: ALL IN FAVOR.**

Presentation of the Chapter 40B Guidelines by 40B Committee

Sam Frank and Veronica Whitehouse, Committee members, made a presentation of the Chapter 40B Development Guidelines for the Town of Westford, MA, Version 6.0; Background; Results; Density; Design; Environmental; Status of Guidelines.

Frank stated that the Committee was looking for approval from the Selectmen, authorization for Town Counsel review, and guidance relative to approval by the Town.

Healy-Coffin suggested making the language more specific relative to the following statement: *Applicants for Comprehensive Permits are responsible for checking current Westford bylaws and regulations, including those cited in Section 2.0 below. If conflicts exist between this document and those references, the requirements stated in the referenced document shall have precedence.*

Leslie Thomas, 8A Old Colony Drive, questioned the Committee's numbers regarding the bedrooms for townhouse and single family homes. Thomas felt that the number of bedrooms for townhouses was too high. Frank stated that the Committee can review those numbers off line.

It was moved by Loiselle, seconded by Silva, and VOTED UNANIMOUSLY, to endorse the current version 6.0 of the Chapter 40B Development Guidelines for the Town of Westford, MA; and that any changes to the document be brought before the Board for review.

The Board was in support of Town Counsel reviewing the final revision.

Board Reappointments

Zoning Board of Appeals, Ron Johnson and Jay Enis. Sam Frank, Chairman of the Zoning Board of Appeals, urged the Board to reappoint Johnson and Enis. **It was moved by Healy-Coffin, seconded by Silva, and VOTED UNANIMOUSLY, to reappoint Ron Johnson and Jay Enis to the Zoning Board of Appeals.** Jefferies stated that upcoming committee vacancies needed to be made public early in the event of a new person being interested in the position. Frank suggested increasing the number of alternates on the Zoning Board in the case of absences. The Board will discuss whether the Zoning Board membership can be expanded at a future meeting.

Community Preservation Act Committee – Ingrid Nilsson – It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to reappoint Ingrid Nilsson to the Community Preservation Act Committee. Romeo asked Kathleen Healy, CPA member, if there was an appeals mechanism in place if the CPA does not recommend a project. Healy stated that the CPA holds open meetings with minutes. There are also advertisements, letters, e-mails and the website to keep the residents informed.

Historical Commission – Ken Tebbetts, Jane Hinckley, Sally Benedict – It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to reappoint Ken Tebbetts, Jane Hinckley, and Sally Benedict to the Historical Commission.

Update on Water Treatment Facilities

Leslie Thomas, Water Commissioner, referenced a letter sent to Ledoux from Water Sweetser, Water Superintendent, dated July 2, 2004, regarding an update on the water treatment facilities. Thomas stated that they are currently working with the engineers and construction company on a problem with the stainless steel piping in the building process. Thomas asked to provide the Board with a full update after the engineers provide a presentation to the Water Commissioners in August. Thomas assured the Board that the water quality is fine.

Selectmen to Sign Agreement with Joanne Panneton to Permit Vegetable Garden on Water Department Property

Leslie Thomas, Water Commissioner, stated that a resident came forward asking to maintain a garden on the Water Department property. Jefferies questioned whether the agreement should be signed by the Water Department because the garden is on Water Department property. Thomas stated that the Water Department asked Town Counsel to address liability. Town Counsel drew up the agreement. **It was moved by Loiselle, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to sign the agreement.**

Selectmen to Review Placeholder Articles for Fall Town Meeting

Ledoux read the list of 22 placeholder articles as outlined in a memo dated July 8, 2004. The deadline for citizen's petitions is August 9, 2004.

Hiring Freeze Waiver – Temporary Fire Alarm Dispatcher

Richard Rochon, Fire Chief, stated that the Fire Alarm Dispatcher is on short-term disability. Rochon asked to lift the hiring freeze to fill the position temporarily until the employee returns to work. **It was moved by Romeo, seconded by Healy-Coffin, and VOTED UNANIMOUSLY, to lift the hiring freeze to allow the hiring of the temporary Fire Alarm Dispatcher.**

Democratic National Convention Update

Richard Rochon, Fire Chief, provided details to the Board on the various emergency response issues. Rochon stated that there will be emergency vehicle lane use going into Boston. Hazmat teams will be activated and strategically placed around the State. The Mass Decontamination Unit will be in Boston for the duration of the convention. Jefferies suggested an agenda item to discuss the proposed Homeland Security Plan, the chain of command, etc. Ledoux reported that the Town has applied for a federal grant for training.

Licenses/Permits

One Day License – Bar Mitzvah Fellowship Parish Hall, September 4, 2004; 12:30 – 3:30 PM – It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve.

Block Party, Salem Road, October 2, 2004, rain date: October 3, 2004 – It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve contingent upon approval by the Police Chief and Fire Chief.

Retirement Ceremony, Major Luc Lambert USAF; Town Common, July 30, 2040; 1:00 PM – It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.

Annual Tyler Ride Fundraiser – VFW West Prescott Street; Saturday, July 17, 2004, 4:00 – 9:00 PM - It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.

One Day License – Outlook Restaurant – July 12, 2004; 12:00 – 5:00 PM; July 23, 2004; and August 14, 2004 - It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to approve.

Minutes

It was moved by Healy-Coffin, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the minutes of June 8, 2004 regular session and June 8, 2004 executive session (but NOT release to the public).

Old Business/New Business

Senior Activity Committee – Ledoux reported that the Committee has looked at three possible sites on Boston Road, Forrest Road and the former Laval property for a new senior complex. Fred Magdalenski, Committee member, reported that after review it was determined that the Forrest Road site looked to be the best as it is believed that approximately 17 to 30 acres will be needed. Magdalenski recommended that a feasibility study be done for the Forrest Road site. The Board questioned the need for 30 acres. Romeo noted that the Land Use Priorities Committee was looking at town-owned parcels and that there may be a conflict with the Forrest Road site. Healy-Coffin stressed the need for a coordination of efforts and suggested that the Senior Activity Committee meet with the Recreation Commission.

Diane Holmes, Land Acquisition Oversight Committee, stated that they have been studying town-owned land and buildings to construct or add to the affordable housing stock. Holmes reported that the Committee is ready to make a recommendation on six town parcels. Holmes stated that the Committee looked at the over 40 acres on the Forrest Road site which had been tested eight to ten years ago. Magdalenski stated that perhaps the senior center and the affordable housing could work together.

Jefferies stated that he would like to see the architectural student that has been working with the Senior Activity Committee. Magdalenski stated that the Committee will be meeting with the architectural student on July 22, 2004 at 2:30 p.m. at which time Magdalenski will invite him to a Selectmen's meeting.

Ledoux also reported that the adjacent property owned by the Tzikopolous family is up for auction on July 27, 2004. The property is currently under Chapter 61A. Ledoux stated that the auction is involved with Probate Court and a guardianship. Town Counsel has indicated that the Town can exercise its right of first refusal. Ledoux stated that he sent a memo to town departments regarding any interest in the property. Holmes was concerned that a buyer could say that they do not intend to change the use under Chapter 61A and then a few months later decide to change the use. Holmes felt that the Town would lose its right of first refusal. Ledoux will check with Town Counsel.

Marian Harman, 10 Chamberlain Road, recommended that the Town exercise its right of first refusal. Harman stated that this property has been on the list of conservation priority land due to its proximity to other conservation land. Harman felt that this property had good multi-use potential.

Peter Severance, Snow Drive, stated that there are wetlands, vernal pools and a rare species habitat associated with this property. Severance felt that it might be a good conservation parcel.

Ledoux reported that the Planning Board has recommended exercising the right of first refusal. Ledoux stated that Nancy Rosinski recommended a site visit prior to the auction. Ledoux will work with Rosinski to coordinate the visit.

Northern Middlesex Council of Governments (NMCOG) – Silva reported that he and Jefferies needed to be reappointed to NMCOG. **It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to reappoint Jim Silva to NMCOG. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to reappoint Bob Jefferies to NMCOG as an alternate.**

Correspondence

Jefferies read the list of correspondence.

7.2 Letter from Suzette Ferron, 17 Williams Ave., re: request for speed bump or speed limit designation on Williams Avenue. Jefferies suggested that the Police Chief, Highway Superintendent and Town Engineer review the situation and come up with a practical solution for the traffic problems.

7.6 Letter from Comcast re: Changes in Programming. Silva asked that Rob Travers send copies of future correspondence to the Communication Advisory Committee. Jefferies wanted Travers told that Comcast uses the town's right of way free of charge.

7.9 Westford Technology Park West FEIR Supplemental Information. Silva was concerned with the cost to move the parking lot. Jefferies stated that Khumalo has made it very clear that the Town is not paying to move the parking lot.

Executive Session

The Board voted at 10:36 p.m. to go into Executive Session for the purpose of discussing pending litigation and land negotiations. A polling of the Board: Jefferies-yes; Healy-Coffin-yes; Romeo-yes; Loiselle-yes; Silva-yes. The Board to reconvene to regular session for the purpose of adjourning only.

Open Items

- 7/13-1 Ledoux to determine whether ZBA membership can be expanded.
- 7/13-2 Ledoux to schedule ZBA membership expansion discussion for future meeting.
- 7/13-3 Ledoux to schedule discussion of Homeland Security Plan.
- 7/13-4 Ledoux to check with Town Counsel re: Tzikopolous property; question of buyer keeping under Ch. 61A for a few months then deciding to change use – how would this impact town's right of first refusal.
- 7/13-5 Ledoux to ask Police Chief, Highway Superintendent and Town Engineer to review traffic problems on Williams Avenue and come up with a solution.
- 7/13-6 Ledoux to ask Rob Travers, Comcast, to send copies of future correspondence to the Communications Advisory Committee.

Reconvene to Regular Session and Adjournment

The Board reconvened to regular session at 11:04 p.m. It was moved by Healy-Coffin, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman